

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

TEVA PHARMACEUTICALS USA, INC.,

Plaintiff,

v.

PFIZER INC.,

Defendant.

10/15/03
Civil Action No. 03 10167 RGS

**SECOND DECLARATION OF ANTHONY L. DEPROSPO, JR.
IN OPPOSITION TO DEFENDANT'S MOTION
TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**

I, ANTHONY L. DEPROSPO, JR., declare that:

1. I am an attorney duly licensed to practice law in the Commonwealth of Massachusetts and the United States District Court for the District of Massachusetts. I am an associate with the firm of Sherin and Lodgen LLP, counsel for Defendant Teva Pharmaceuticals USA, Inc. ("Teva").

2. I make this declaration to present to the Court certain documents cited as exhibits in *Teva's Supplemental Brief in Opposition To Pfizer's Motion To Dismiss For Lack Of Subject Matter Jurisdiction*, submitted herewith.

3. Attached as Supplemental Exhibit 1 is a copy of *Dr. Reddy's Labs. v. Pfizer*, 2003 WL 21638254 (D.N.J. July 8, 2003).

4. Attached as Supplemental Exhibit 2 is a copy of a letter from Milton Sherman to Kurt Nielsen, Ph.D. dated December 6, 2003.

5. Attached as Supplemental Exhibit 3 is a copy of a letter from John W. Bateman to Milton Sherman dated December 20, 2003.

6. Attached as Supplemental Exhibit 4 is a copy of a letter from Steven J. Lee to Dimitrios T. Drivas dated July 24, 2003.

7. Attached as Supplemental Exhibit 5 is a copy of a letter from Steven J. Lee to Dimitrios T. Drivas dated July 26, 2003.

8. Attached as Supplemental Exhibit 6 is a copy of a letter from Jeffrey J. Oelke to Steven J. Lee dated July 30, 2003.

9. Attached as Supplemental Exhibit 7 is a copy of a letter from Steven J. Lee to Jeffrey J. Oelke dated July 31, 2003.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: October 15, 2003


Anthony L. DeProspero, Jr.